



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 2, 2019

BY ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Request GRANTED. SO ORDERED.

Dated: May 2, 2019

Re: *New York Times and Vogel v. United States Dept. of Justice*,
No. 18 Civ. 2095 (LAK) (SDA)

Dear Judge Aaron:

This Office represents the United States Department of Justice (“DOJ” or the “government”) in the above-captioned FOIA case. With plaintiffs’ consent and at plaintiffs’ request, I write respectfully to request an extension of the time limits in the Court’s April 3, 2019 order requiring the government to complete certain tasks by tomorrow, May 3, 2019. The additional time will permit the government to consider the impact (if any) of the April 18, 2019 public release of a redacted version of the Report on the Investigation into Russian Interference in the 2016 Presidential Election (the “Report”) issued by DOJ’s Special Counsel’s Office.¹

Consistent with the position taken at argument by government counsel, the Court’s April 3 order directed the government to consider the impact (if any) of developments up to April 3, 2019 on the government’s assertions of exemption 7(A). On April 3, the Report had been provided to the Attorney General, but no version had yet been made public, and thus had no impact on the government’s assertions of exemption 7(A). However, fifteen days after argument, a redacted version of the Report was made publicly available.

It is the government’s position that under these circumstances, the government need not as a matter of law engage in any further review to account for the redacted Report’s release. Nonetheless, the government is willing (at plaintiffs’ request) to extend its review of withholdings to cover the release of the redacted Report. Doing so will, however, require some additional time.

Finally, both because the parties are still discussing whether plaintiffs are interested in certain records discussed in paragraph 3 of the Court’s April 3 order (that is, records in Vaughn category 6 as to which exemption 7(A) does not apply), and because the government requires a brief further extension of time to finalize its review, the government also respectfully requests

¹ The redacted Report is available (along with other documents made public by the Special Counsel’s Office) at <https://www.justice.gov/sco>.

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that the May 3, 2019 date to complete its production of these records be extended by one week, to May 10, 2019.

The parties therefore jointly propose the following modifications of the deadlines set in the Court's April 3 order.

1. By June 3, 2019, the government will complete re-review of categories 1-3, 4, and 6 in its Vaughn index. The re-review will consider the impact (if any) of the release of the redacted Report on the government's assertions of exemption 7(A).
2. The date for the government to review and (if possible) disclose information from of the two ex parte declarations filed in support of its motion for partial summary judgment shall be extended to June 3, 2019. The review will consider the impact (if any) of the release of the redacted Report on the government's ability to disclose any information from the declarations.
3. By May 10, 2019, the government will produce any documents included in Vaughn category 6 as to which exemption 7(A) does not apply, unless plaintiffs agree to exclude any records from this request.

We thank the Court for its consideration of this request.

Respectfully submitted,

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